

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JOHN C. McGRATH, Trustee of the Estates
of Oil Field Drilling Company, Petroleum
Equipment Leasing Company and Gas
Transmission Organization, Inc.,

vs.

Plaintiff,

No. 72-C-381

SIDNEY TALMADGE and MALYNN
ENTERPRISES, INC., a corporation,

Defendants.

FILED

MAR 30 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF TRANSFER

Now on this 26th day of March, 1973, comes on for hearing pursuant to regular setting of the docket the pre-trial conference in the above referenced action. The plaintiff appears by his attorney, Lance Stockwell, and the defendants appear by their attorney, Joseph R. Roberts.

Plaintiff and defendants announced to this court that they had agreed to the transfer of this action to the United States District Court for the Western District of Texas, Austin Division, and that such agreement would be reflected in the filing of a joint motion to transfer.

Upon review of the statements of counsel in support of the motion to transfer and subsequent review of the written joint motion to transfer filed in this action, the court finds:

1. There is currently pending in the United States District Court for the Western District of Texas, Austin Division, a companion case styled: John C. McGrath, Trustee of the Estate of Oil Field Drilling Company, Petroleum Equipment Leasing Company and Gas Transmission Organization, Plaintiff, vs. William F. Parker, aka Steve Parker, and Shirley MacLaine Parker, Defendants, No. A-CA-7313, which action is similar on its facts, involves the same counsel, similar questions of law and fact and many of the same witnesses.

2. This action might have been brought in the United States District Court for the Western District of Texas, Austin Division, and such court has both subject matter and personal jurisdiction over the plaintiff and the defendants.

3. As a condition to the transfer of this action defendants have agreed that upon entry of this order the defendants withdraw and waive any and all objections to personal jurisdiction of and venue in the United States District Court for the Western District of Texas, Austin Division.

4. The transfer of this action to the United States District Court for the Western District of Texas, Austin Division, will serve the convenience of the parties and witnesses and is in the interest of justice.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that this action should be and hereby is transferred to the United States District Court for the Western District of Texas, Austin Division.

IT IS FURTHER ORDERED that the Clerk of this court take such action as is necessary to effect the transfer herein ordered.

Given under my hand this 29th day of March, 1973.

H. Luther Bohannon
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

Lance Stahwell
Attorney for Plaintiff

Joseph R. Roberts
Attorney for Defendants

*original
mailed
Judge
me*

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

PETER J. BRENNAN, Secretary of Labor (Successor to))	CIVIL ACTION
James D. Hodgson, United States Department)	
of Labor)	
)	
Plaintiff,)	No. 72-C-125
V.)	
)	
JOHN A. and LOUIS J. HARRISON, individually)	
and as partners, doing business as)	
HIGHLANDER CENTER)	
Defendants)	

FILED
MAR 28 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

J U D G M E N T

The defendants having agreed to the entry of judgment without contest, it is on motion of plaintiff and for cause shown:

ORDERED, ADJUDGED and DECREED that defendants, their agents, servants, employees, and all other persons acting or claiming to act in their behalf and interest be, and they hereby are, permanently enjoined from violating the provisions of sections 15(a)(2) and 15(a)(5) of the Fair Labor Standards Act of 1938 (29 USC 201, et seq.), hereinafter referred to as the Act, in any of the following manners:

I

Defendants shall not, contrary to sections 6 and 15(a)(2) of the Act, employ any employee in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, at rates less than the minimum wage rates required by section 6 of the Act.

II

Defendants shall not, contrary to sections 7 and 15(a)(2) of the Act, employ any employee in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, for a work-week longer than 40 hours, unless such employee receives compensation for his employment in excess of such hours at a rate not less than one and one-half the regular rate at which he is employed.

III

Defendants shall not, contrary to sections 11(c) and 15(a)(5) of the Act, fail to make, keep and preserve adequate and accurate records of the persons employed by them and of the wages, hours and other conditions and practices of employment maintained by them, as prescribed by Regulations issued by the Administrator of the Employment Standards Administration, United States Department of Labor, (29 USC Part 516).

It is further ORDERED that defendants be, and they hereby are, restrained from withholding payment of minimum wage and overtime compensation in the total amount of \$2,600, which, the parties agree, and the court so finds, is due under the Act to their employees named below in the amounts indicated.

<u>NAME</u>	<u>AMOUNT</u>
Janet Flanders	\$ 69.33
Mildred Hawkins	665.41
Barbara Horn	96.66
Roxie Neilson	740.88
Etha Ray	446.00
Elsie Shaffer	158.00
Mildred Stonecipher	<u>423.72</u>
Total	\$2600.00

The provisions of this order shall be deemed satisfied when the defendants deliver to the plaintiff seven (7) cashier's or certified checks payable to the individual employee or "Employment Standards Administration-Labor" in the amounts set forth, less deductions for income and social security withholdings, accompanied by an itemized statement of such deductions, the social security number, and last known address of each of said persons, within 30 days of the date of this judgment.

It is ORDERED that upon receipt by plaintiff of unpaid wages as provided in this judgment, he shall promptly proceed to make distribution in appropriate shares to those persons named in said judgment or to the legal representative of any deceased persons so named. If, after making reasonable and diligent efforts to disburse said unpaid wages to the persons entitled thereto, plaintiff is unable to do so because of inability to locate a proper person, or because of a refusal to accept payment by any such person he shall,

as provided in 28 U.S.C. 2041, deposit such unpaid funds with the Clerk of this Court accompanied by a list of names, last known address, if any, and the amount due to each of said persons. Any of such funds may be withdrawn for payment to a person entitled thereto upon order of this Court.

The costs of this action will be paid by the defendants.

DATED this 28 day of March, 1973.

William L. Harrison
UNITED STATES DISTRICT JUDGE

Entry of this judgment is hereby consented to:

Richard W. Lowry
Richard W. Lowry
Attorney for Defendants

John A. Harrison
John A. Harrison
Defendant and Partner in
Highlander Center

Louis J. Harrison
Louis J. Harrison
Defendant and Partner in
Highlander Center

Plaintiff moves for the entry of the foregoing judgment.

Alfred G. Albert
Alfred G. Albert
Acting Solicitor of Labor

George T. Avery
George T. Avery
Regional Solicitor

Richard L. Collier
Richard L. Collier
Attorney

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 27 1973

Jack C. Silver, Clerk

U. S. DISTRICT COURT

Civil Action No. 73-C-25 ✓

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
PAULINE FRIEND and WALLACE)
FRIEND,)
)
Defendants.)


NOTICE OF DISMISSAL

COMES NOW the United States of America, by and through its attorney, Robert P. Santee, Assistant United States Attorney for the Northern District of Oklahoma, and hereby gives its notice of dismissal, without prejudice, of the Complaint filed herein on January 23, 1973.

Dated this 27th day of March, 1973.

UNITED STATES OF AMERICA

NATHAN G. GRAHAM
United States Attorney



ROBERT P. SANTEE
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
DAVID TIMOTHY DAUGHERTY, et al.,)
)
Defendants.)

Civil Action No. 72-C-456

FILED

MAR 26 1973

JUDGMENT OF FORECLOSURE

Jack C. Silver, Clerk
U. S. DISTRICT COURT

THIS MATTER COMES on for consideration this 26th day
of March, 1973, the plaintiff appearing by Robert P. Santee,
Assistant United States Attorney, and the defendants, David
Timothy Daugherty and Dee Ann Daugherty, appearing not.

The Court being fully advised and having examined
the file herein finds that the defendants, David Timothy Daugherty
and Dee Ann Daugherty, were personally served copies of the Summons
and Complaint on January 26, 1973, as appears from the Marshal's
Returns of Service herein; and

It appearing that the said defendants have failed
to answer herein and that default has been entered by the Clerk
of this Court.

The Court further finds that this is a suit based
upon a mortgage note and foreclosure on a real property mortgage
securing said mortgage note and that the following described
real property is located in Ottawa County, Oklahoma, within
the Northern Judicial District of Oklahoma:

Lot Nine (9) in Block One (1) in the INTER-
URBAN HEIGHTS ADDITION to the City of Miami,
Ottawa County, Oklahoma, according to the
AMENDED PLAT thereof.

THAT the defendants, David Timothy Daugherty and
Dee Ann Daugherty, did, on December 4, 1970, execute and deliver
to the Administrator of Veterans Affairs, their mortgage and

mortgage note in the sum of \$7,400.00 with 8 per cent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, David Timothy Daugherty and Dee Ann Daugherty, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the above-named defendants are now indebted to the plaintiff in the sum of \$7,297.02 as unpaid principal, with interest thereon at the rate of 8 per cent interest per annum from September 4, 1971, until paid, plus the cost of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendants, David Timothy Daugherty and Dee Ann Daugherty, for the sum of \$7,297.02 with interest thereon at the rate of 8 per cent per annum from September 4, 1971, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said defendants to satisfy plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisement the real property and apply the proceeds thereof in satisfaction of plaintiff's judgment. The residue, if any, to be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the defendants and each of

them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.

Luther Bohanon
United States District Judge

APPROVED.

Robert P. Santee
ROBERT P. SANTEE
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

BYRON V. BOONE and
AUDRAY S. BOONE,

Plaintiffs

v.

UNITED STATES OF AMERICA,

Defendant

CIVIL NO. 70-C-170

FILED

MAR 23 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

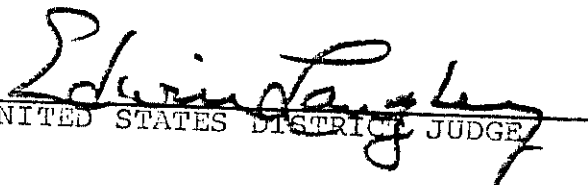
AMENDED JUDGMENT

This cause having come on for trial before the Court, and the Court having entered judgment for plaintiffs on February 16, 1972, in the amount of \$46,412.88, with interest according to law from February 26, 1968, and the aforementioned judgment having omitted assessed interest, it is hereby

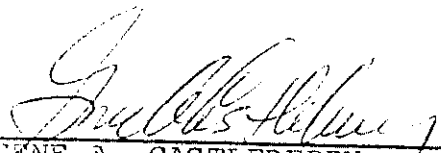
ORDERED, ADJUDGED, and DECREED that the plaintiffs shall have and recover judgment in the amount of \$46,412.88, plus assessed interest of \$7,943.56, with statutory interest according to law from February 26, 1968.

It is further ORDERED that the plaintiffs shall be permitted the recovery of their costs.

ENTERED this 22 day of March, 1973.


UNITED STATES DISTRICT JUDGE

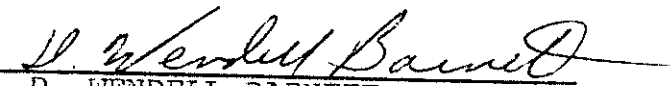
APPROVED AS TO FORM:



GENE A. CASTLEBERRY
1100 City National Bank Tower
Oklahoma City, Oklahoma 73102

ATTORNEY FOR PLAINTIFFS

NATHAN G. GRAHAM
United States Attorney

By: 

D. WENDELL BARNETT
Attorney, Tax Division
Department of Justice
8E2 Federal Building
Dallas, Texas 75202

ATTORNEY FOR DEFENDANT

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

ROGER C. MYERS, dba ROMYCO STEREO,)
)
Plaintiff,)
)
v.) No. 73-C-75 ✓
)
STATE OF OKLAHOMA)
)
Defendant)

O R D E R

FILED

MAR 23 1973

Jack C. Silver, Clerk

U. S. DISTRICT COURT

The court having examined the "Complaint for Declaratory Judgment" presented to the clerk of this court together with the motion for leave to proceed in forma pauperis and required affidavit, and being fully advised in the premises, finds:

1. The affidavit in support of the motion for leave to proceed in forma pauperis is properly subscribed and sworn to by the plaintiff and is sufficient in form to satisfy the requirement of 28 U.S.C.A. § 1915(a).
2. This is purported civil rights action in which the plaintiff seeks a restraining order and damages in the amount of \$20,000.00 plus costs and attorneys fees.
3. As grounds for relief he alleges that he has been harrassed personally and in the conduct of his business by the Oklahoma Bureau of Investigation and the Oklahoma Highway Patrol.
4. In Case No. Civ-72-696, styled Roger C. Myers vs. United States District Court, the plaintiff on October 10, 1972 filed in the United States District Court for the Western District of Oklahoma, an action in which he makes similar allegations against various federal agencies. This action was summarily dismissed by Judge Luther B. Eubanks on January 11, 1973.
5. It appears from the complaint that the plaintiff has pending in the United States District Court for the District of Missouri a related or similar case styled Myers vs. State of Oklahoma, No. 73-Civ-73-S.
6. The plaintiff makes no allegations of fact which would establish venue or jurisdiction in this court.

The court concludes:

1. It is well established that the state is not a person subject to liability under 42 U.S.C.A. § 1983 and 1985. In Monroe v. Pape, 365 U.S. 167, 81 S.Ct. 473, 5 L.Ed.2d 492 (1961) the Supreme Court held that a municipal corporation is not a "person" subject to suit within the meaning of the civil rights act and therefore the conclusion that states are not persons within the meaning of the act is inescapable. "A municipal corporation is but a political sub-division of a state, and if a state's political sub-divisions are not 'persons' under the statute, then neither is a state." Williford v. People of California, 352 F.2d 474, 476 (CA9 1965). Other cases holding that the state is not subject to suit under the civil rights act are Pier v. Commonwealth of Pennsylvania, 413 F.2d 89 (CA3 1969). Cert. den. 90 S.Ct. 278; Loux v. Rhay, 375 F.2d 55 (CA9 1967); Deane Hill Country Club, Inc. v. City of Knoxville, 379 F.2d 321, (CA6 1967); United States ex rel Lee v. People of the State of Illinois, 343 F.2d 120 (CA7 1965).

2. The complaint is frivolous. Is palpably wholly lacking in substance and affords no basis upon which a rational argument can be predicated on the law or the facts in support of the claim for relief.

3. Since the application to proceed in forma pauperis is supported by papers satisfying the requirements of 28 U.S.C.A. §1915(a) leave to proceed should be granted and the case filed by the clerk and then the action should be dismissed as frivolous. (See Oughton v. United States, 310 F.2d 803 (CA10 1962). Cert. den. 373 U.S. 937).

IT IS THEREFORE ORDERED:

1. The motion for leave to proceed in forma pauperis is granted.
2. The case is dismissed.
3. That a copy of this Order be mailed by the clerk of this court to the Plaintiff.
4. That a copy of this Order be mailed by the clerk of this court to the Defendant, by mailing the same to the Attorney

General of the State of Oklahoma.

Dated this 22nd day of March, 1973.

Letitia Bohannon
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

THE FIRST NATIONAL BANK AND TRUST)
COMPANY OF TULSA, a national)
banking association,)

Plaintiff,)

vs.)

MIAMI INDUSTRIAL AUTHORITY,)
a public trust, et al.,)

Defendants.)

CIVIL ACTION NO. 72-C-78 ✓

FILED

MAR 22 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

NOW, on this 16th day of ~~February~~ ^{March}, 1973, there came on for consideration the Motion of the defendants, Secretary of Commerce of The United States of America and the United States of America, to dismiss them as parties defendant, and to dismiss their Cross Petition filed herein. The Court finds that such Motion should be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED THAT the defendants, the Secretary of Commerce of the United States of America and the United States of America, be and the same are hereby dismissed as parties defendant herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT the Cross Petition filed herein by these defendants be and the same is hereby dismissed.

Allen E. Bann

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

JACKIE ANN LUNNEBORG, a Minor, by
and through JAMES R. LUNNEBORG,
her father and next friend, and
JAMES R. LUNNEBORG, Individually,

Plaintiffs,

vs.

MARGUERITE COLLETTE O'CARROLL
and BUFORD ELBERT HARRIS,

Defendants.

FILED

MAR 19 1973 ✓

Jack C. Silver, Clerk
U. S. DISTRICT COURT

No. 72-C-348 ✓

ORDER OF DISMISSAL OF PLAINTIFF'S
COMPLAINT AND AMENDMENT WITH PREJUDICE

Now on this 18th day of March, 1973, the parties hereto appearing by and through their attorneys of record, there comes on for ~~hearing and~~ consideration the Motion for Dismissal of complaint and the amendment to complaint *and cause of action* with prejudice of the plaintiff, James R. Lunneborg, individually and as the father and next friend of Jackie Ann Lunneborg, a minor and Mike James Lunneborg, a minor, and the Court, having heard the statements of counsel for the parties hereto and being fully advised in the premises finds:

1. That the plaintiff, James R. Lunneborg, individually and as the father and next friend of Jackie Ann Lunneborg, a minor and Mike James Lunneborg, a minor, and the defendants herein, have entered into an agreement whereby the plaintiff, individually and as the father and next friend of the said minors has agreed to fully and finally settle as against the defendants, all claims and damages as prayed for in the Complaint and Amendment to Complaint filed herein.

2. The Court being advised of the nature of the settlement agreement finds that said agreement as entered into between the plaintiffs and defendants is fair and reasonable and is in the best interest of all the parties hereto.

3. That the plaintiffs' Motion to Dismiss with Prejudice should be and is hereby sustained.

THEREFORE, premises considered, it is the Order of the Court that plaintiffs' Complaint and Amendment ^{and cause of action} thereto are dismissed with prejudice, at the costs of the plaintiff.

William E. Samuel
Judge of the United States District
Court for the Northern District of
Oklahoma

Approved as to form:

Jay Baker
Jay Baker, Attorney for Plaintiff

Alfred B. Knight
Alfred B. Knight, Attorney for
Defendant Harris

Lee Grigg
Lee Grigg, Attorney for Defendant
O'Carroll

IN UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

JACKIE ANN LUNNEBORG, a Minor, by)
and through JAMES R. LUNNEBORG,)
her father and next friend, and)
JAMES R. LUNNEBORG, Individually,)
Plaintiffs,)

vs.)

MARGUERITE COLLETTE O'CARROLL)
and BUFORD ELBERT HARRIS,)
Defendants.)

NO. 72-C-348 ✓

FILED ✓

MAR 19 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL OF DEFENDANT
BUFORD ELBERT HARRIS CROSS-CLAIM WITH PREJUDICE


Now, on this 18th day of March, 1973, the parties hereto appearing by and through their attorneys of record there comes on for ~~hearing and~~ consideration, the Motion for dismissal with prejudice, of the defendant Buford Elbert Harris' cross-claim, and the Court, having heard the statements of counsel for the parties hereto, and being fully advised in the premises, finds:

1. That the defendant Buford Elbert Harris and the defendant Marguerite Collette O'Carroll, have entered into an agreement whereby the defendant cross-claimant Buford Elbert Harris, has agreed to fully and finally settle as against the defendant Marguerite Collette O'Carroll, all claims and damages as prayed for in his cross-claim filed herein.

2. The Court being advised of the nature of the settlement agreement finds that said agreement as entered into between the cross-claimant Buford Elbert Harris and the defendant Marguerite Collette O'Carroll is fair and reasonable and is in the best interest of the said parties.

3. That the defendant Buford Elbert Harris' Motion to dismiss his cross-claim ^{and cause of action} with prejudice should be and is hereby sustained.

THEREFORE, premises considered, it is the Order of the
Court that defendant Buford Elbert Harris' cross-claim ^{and cause of action} is
dismissed with prejudice.



Judge of the United States District
Court for the Northern District of
Oklahoma

Approval as to form:

ALFRED B. KNIGHT and
JOHN R. CARLE,
Attorneys for Defendant



John R. Carle



Lee Grigg

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

VICTOR REGINALD PARKER,

Plaintiff,

vs.

FRANK THURMAN, Deputy Sheriff,
JIM PORTER, Tulsa County Parole
Officer, TWO UNKNOWN NAMED DISTRICT
AND ASSISTANT ATTORNEYS OF TULSA
COUNTY, OKLAHOMA, et al.,

Defendants.

NO. 72-C-313

FILED

MAR 19 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

The Court has for consideration an instrument filed by Victor Reginald Parker requesting relief pursuant to jurisdiction conferred by 28 U.S.C. § 2254; 28 U.S.C. §§ 1331 and 1334; and 42 U.S.C. §§ 1983 and 1985. As grounds therefor, the petitioner alleges that his plea of guilty in 1967, Case No. 22644, in the District Court of Tulsa County, State of Oklahoma, was the result of coercion and not his free and voluntary act. He further asserts as grounds for damages under the Civil Rights Statutes that the defendants named herein conspired together to induce and force him to plead guilty to the charge of sodomy. That as the result of such conspiracy and coercion, he did plead guilty, although innocent; and, that the defendants committed such acts under color of State law while the petitioner was held prisoner in the Tulsa County Jail.


The Court finds no showing by the petitioner that he appealed his Oklahoma conviction, or that he has filed a state post-conviction proceeding pursuant to 22 O.S.A. § 1080, et seq. He has thus failed to exhaust adequate and available State remedies, or show such remedies ineffective, and his request for habeas corpus relief in this Court is premature.

Further, the Court finds that the acts herein complained of took place some five years ago in 1967. It is apparent from the complaint that the last overt act charged against the defendants took place on June 7, 1967, the date the petitioner was transferred from the Tulsa County Jail to the Oklahoma State Penitentiary at McAlester, Oklahoma. Although the Federal Statutes relating to Civil Rights actions contain no provision limiting the time within which actions thereunder may be brought, in such instances, the law of the state where the cause of action arose determines the time within which such cause may be filed. The Oklahoma Statutes provide an applicable limitation period of two years, 12 O.S.A. § 95, and this proceeding is thereby barred. Crosswhite vs. Brown, 424 F.2d 495 (10th Cir. 1970) and cases therein cited.

The Court finds that the appointment of counsel is not necessary, that an answer or hearing is not required, and that the cause of action should be denied and dismissed.

IT IS, THEREFORE, ORDERED that this cause of action be and it is hereby denied and dismissed. The denial as to the habeas corpus allegations pursuant to 28 U.S.C. § 2254 is without prejudice to a petition later being filed should it be necessary after the State of Oklahoma remedies have been exhausted.

Dated this 15th day of March, 1973, at Tulsa, Oklahoma.



CHIEF JUDGE, UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

WILLIAM GRAYSON FISCHER,
Petitioner,
vs.
MARK J. ANDERSON, WARDEN,
OKLAHOMA STATE PENITENTIARY,
MCALISTER, OKLAHOMA,
Respondent.

72-C-249

FILED

MAR 19 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

THE COURT, having examined the files and records of this proceeding, together with the Second Report of the United States Magistrate concerning the same and being fully advised in the premises, FINDS:

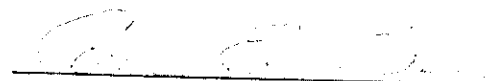
1. That the detention and arrest of the petitioner did not constitute a violation of petitioner's constitutional rights under the Fourth Amendment. That such detention and arrest meets the tests of Terry vs. State of Ohio, 392 U.S. 1 (1967).
2. Petitioner's allegation that he was not advised of his rights prior to his detention and subsequent arrest are refuted by the transcript of testimony attached to and made a part of the response filed by respondent.
3. Petitioner's allegation concerning the alleged illegal search of an automobile does not present any federal constitutional question that would justify the granting of relief prayed for by the defendant. The record does not disclose that any evidence obtained from the search of the questioned automobile was used as evidence in the trial of petitioner and, therefore, the allegation is without foundation in fact or law. Jackson vs. Smith, 435 F.2d 1284 (5th Cir. 1970).
4. That the petitioner's alleged grounds for relief Nos. 4, 5, 6 and 7 are merely stated generalities and do not state any

for the relief sought. Under the decisions of the
United States Court of Appeals, Tenth Circuit, as set forth in
State of Kansas, 386 F.2d 819 (1967) and Martinez vs.
United States of America, 344 F.2d 325 (1965), the allegations as
set forth in petitioner's petition are legally insufficient and
the relief prayed for may properly be denied without a hearing.

IT IS, THEREFORE, ORDERED:

1. The Petition for Writ of Habeas Corpus is denied and
the case is dismissed.
2. That a copy of this Order be mailed by the Clerk of
this Court to the petitioner together with a copy of the Second
Report of the United States Magistrate.
3. That the Clerk of this Court furnish to the respondent
a copy of this Order, together with a copy of the Second Report
of the United States Magistrate, by mailing the same to the Attorney
General of the State of Oklahoma, State Capitol Building, Oklahoma
City, Oklahoma.

Dated this 15th day of March, 1973.



CHIEF JUDGE, UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA.

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF OKLAHOMA

HERMAN GEORGE KAISER and
KATE KAISER,

Plaintiffs,

- vs -

UNDERWRITERS AT LLOYDS OF
LONDON, ENGLAND, an unincorporated
association and DOMINION INSURANCE
COMPANY, LTD., an unincorporated
association,

Defendants.

No. Civil Action 72- C-150

FILED

MAR 19 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER DISMISSING ACTION WITH PREJUDICE

NOW on this 14 day of March, 1973, there having been presented to the undersigned United States District Judge the motion jointly filed by the parties hereto seeking a dismissal of the action herein with prejudice and the Court having considered same and being well and sufficiently advised in the premises finds that said motion should be sustained and the cause of action herein dismissed with prejudice.

IT IS THEREFORE ORDERED BY THIS COURT that the above styled and numbered action be and the same is hereby dismissed with prejudice at the costs of plaintiffs.

J. Allen E. Bann
UNITED STATES DISTRICT JUDGE

APPROVED:

UNGERMAN, GRABEL & UNGERMAN

By [Signature]

Attorneys for Plaintiffs

RHODES, HIERONYMUS, HOLLOWAY & WILSON

By [Signature]

Attorneys for Defendants

LAW OFFICES

UNGERMAN,
GRABEL &
UNGERMAN

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

CLINT WILSON, by and through
his father and next friend
JAMES C. WILSON and JAMES C.
WILSON, individually,

Plaintiffs,

vs.

MONTGOMERY WARD & CO., INC.,

Defendant.

72-C-28

FILED
MAR 19 1973

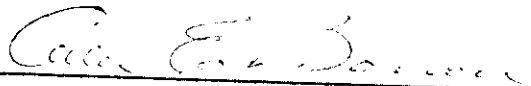
Jack C. Silver, Clerk
U. S. DISTRICT COURT

JUDGMENT

Based on the agreed Findings of Fact and Conclusions
of Law entered this date,

IT IS ORDERED that judgment be entered in favor of
plaintiffs and against defendant in the sum of \$1,850.00, with
costs.

ENTERED this 16th day of March, 1973.



CHIEF UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,)
)
vs.)
)
20.00 Acres of Land, More)
or Less, Situate in Nowata)
County, State of Oklahoma,)
and Julian W. Glass, Jr.,)
and Unknown Owners,)
)
Defendants.)

CIVIL ACTION NO. 71-C-110
Tract No. 1429M

FILED

MAR 19 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

United States of America,)
)
Plaintiff,)
)
vs.)
)
60.00 Acres of Land, More)
or Less, Situate in Nowata)
County, State of Oklahoma,)
and Harry O. Graves, et al.,)
and Unknown Owners,)
)
Defendants.)

CIVIL ACTION NO. 71-C-111
Tract No. 1431M

J U D G M E N T

1.

NOW, on this 16th day of March, 1973, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on February 23, 1973, and the Court, after having examined the files in this action and being advised by counsel, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of this action.

3.

This judgment applies to the entire estate taken in Tracts Nos. 1429M and 1431M, as such tracts and estate are described in the Complaints filed in the captioned civil actions.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in these actions who are interested in the subject tracts.

5.

The Acts of Congress set out in paragraph 2 of the Complaints filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on April 2, 1971, the United States of America, filed its Declarations of Taking of a certain estate in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such instruments.

6.

Simultaneously with filing of the Declarations of Taking, there was deposited in the Registry of this Court as estimated compensation for the estate taken in the subject tracts, certain sums of money, and none of these deposits has been disbursed, as set out below in paragraph 12.

7.

The Report of Commissioners filed herein on February 23, 1973, hereby is accepted and adopted as findings of fact in regard to the subject tracts. The amount of just compensation as to the various interests in subject tracts, as fixed by the Commissioners, is set out below in paragraph 12.

8.

This judgment will create a deficiency between the total amount deposited as estimated just compensation for the estate taken in subject tracts and the total amount fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 12.

9.

The defendants named in paragraph 12 as owners of the estate taken in subject tracts are the only defendants asserting any claim to such estate. All other defendants having either disclaimed or defaulted, the named defendants, as of the date of taking, were the owners of the estate condemned herein and, as such, are entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tracts, as they are described in the Complaints filed herein, and such property, to the extent of the estate described in such Complaints, is condemned, and title to such estate is vested in the United States of America,

as of April 2, 1971, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking, the owners of the estate taken in the subject tracts were the defendants whose names appear below in paragraph 12, and the interest owned by each is as therein shown. The right to receive the just compensation awarded by this judgment is vested in the parties so named in paragraph 12.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed February 23, 1973, hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the estate taken in subject tracts, and said award is allocated among the various interests, as shown by the following schedule:

Part I. Leasehold interest in both tracts

(1429M and 1431M) combined:

Owners: Ellis Creek,

subject to mortgage owned by
First National Bank, Coweta, Oklahoma

Award of just compensation
pursuant to Commissioners'

Report ----- \$1,280.00 \$1,280.00

Deposited as estimated compen-
sation for leasehold
interest:

Tract 1429M -- \$270.00

Tract 1431M -- \$810.00

Total --- \$1,080.00

Disbursed to owners ----- None

Balance due to owners ----- \$1,280.00
plus
interest

Deposit deficiency as
to leasehold interest ----- \$200.00

Part II. Communitized royalty interest in
both tracts combined.

Owners:

Julian W. Glass, Jr., Trustee
for Eva Payne Glass, Ernest
Frances Bradfield, and
Julian W. Glass, Jr. ----- 6/20

Lewis Partain and Rhoda
Partain (a/k/a Rhoda Johnston) ----- 7/20

Harry O. Graves and
Edith Graves ----- 7/20

Award of just compensation
pursuant to Commissioners'
Report ----- \$80.00 \$80.00

Deposited as estimated compen-
sation for communitized
royalty interest ----- None

Disbursed to owners ----- None

Balance due to owners ----- \$80.00
Plus
interest

Deposit deficiency as to com-
munitized royalty
interest ----- \$80.00

Part III. Lessor interests (basic mineral
interests) by tract:

A. Tract No. 1429M (lessor interest, Civil Action
No. 71-C-110)

Owner: Julian W. Glass, Jr., Trustee for
Eva Payne Glass,
Ernest Frances Bradfield and
Julian W. Glass, Jr.

Award of just compensation
pursuant to Commission-
ers' Report ----- \$100.00 \$100.00

Deposited as estimated
compensation for lessor
interest ----- \$100.00

Disbursed to owners ----- None

Balance due to owners ----- \$100.00

B. Tract No. 1431M (lessor interest, Civil Action
No. 71-C-111)

Owners:

Harry O. Graves and
Edith Graves ----- 1/2

Lewis Partain and
Rhoda Partain ----- 1/2

Award of just compensation
pursuant to Commission-
ers' Report ----- \$300.00 \$300.00

Deposited as estimated
compensation for lessor
interest ----- 300.00

Disbursed to owners ----- None

Balance due to owners ----- \$300.00

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the sum of the deposit deficiencies shown in paragraph 12 above, in the total amount of \$280.00 together with interest thereon, computed at the rate of 6% per annum from April 2, 1971, to the date of such payment.

For accounting purposes, the Clerk of this Court shall credit this payment to the deposit for Tract No. 1431M, in Civil Action No. 71-C-111, and shall transfer the \$370.00 deposit for Tract No. 1429M (Civil Action No. 71-C-110) to the said deposit for Tract No. 1431M in Civil Action No. 71-C-111.

14.

It Is Further ORDERED, ADJUDGED and DECREED that when the deficiency deposit and transfer ordered by paragraph 13 above have been accomplished, the Clerk of this Court then shall disburse all of the sum on deposit in Civil Action No. 71-C-111 to the owners of the subject property, paying each owner his proportionate share of the awards and the accrued interest according to the property interest owned by each, as shown above in paragraph 12.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 20.00 Acres of Land, More)
 or Less, Situate in Nowata)
 County, State of Oklahoma,)
 and Julian W. Glass, Jr.,)
 and Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 71-C-110
Tract No. 1429M

FILED

MAR 19 1973 *hm*

Jack C. Silver, Clerk
U. S. DISTRICT COURT

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 60.00 Acres of Land, More)
 or Less, Situate in Nowata)
 County, State of Oklahoma,)
 and Harry O. Graves, et al.,)
 and Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 71-C-111
Tract No. 1431M

ORDER FOR PAYMENT TO COMMISSIONERS

NOW, on this 16th day of March, 1973, it appears to the Court that on December 17, 1971, Eddie King, Vol L. Boswell and Ed Cohen were appointed by the Court as Commissioners in the above entitled and numbered causes, and that pursuant to said appointment these persons did serve as Commissioners and fix the value of the property being taken by eminent domain.

It further appears to this Court that the above named are entitled to compensation for such services rendered, in the following amounts set opposite each of their names, respectively:

EDDIE KING, 1 Day at \$150 per day & 120 Miles @ 10¢ per mile -----	\$162.00
VOL L. BOSWELL, 1 Day at \$150 per day -----	\$150.00
ED COHEN, 1 Day at \$150 per day -----	\$150.00

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the said Eddie King, Vol L. Boswell, and Ed Cohen receive for their services rendered in the above entitled and numbered causes, as Commissioners, the sums and amounts set opposite each of their names hereinabove.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,
vs.
20.00 Acres of Land, More
or Less, Situate in Nowata
County, State of Oklahoma,
and Julian W. Glass, Jr.,
and Unknown Owners,
Defendants.

CIVIL ACTION NO. 71-C-110
Tract No. 1429M

F I L E D

MAR 19 1973

United States of America,
Plaintiff,
vs.
60.00 Acres of Land, More
or Less, Situate in Nowata
County, State of Oklahoma,
and Harry O. Graves, et al.,
and Unknown Owners,
Defendants.

Jack C. Silver, Clerk
U. S. DISTRICT COURT

CIVIL ACTION NO. 71-C-111
Tract No. 1431M

J U D G M E N T

1.

NOW, on this 16th day of March, 1973, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on February 23, 1973, and the Court, after having examined the files in this action and being advised by counsel, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of this action.

3.

This judgment applies to the entire estate taken in Tracts Nos. 1429M and 1431M, as such tracts and estate are described in the Complaints filed in the captioned civil actions.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in these actions who are interested in the subject tracts.

5.

The Acts of Congress set out in paragraph 2 of the Complaints filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on April 2, 1971, the United States of America, filed its Declarations of Taking of a certain estate in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such instruments.

6.

Simultaneously with filing of the Declarations of Taking, there was deposited in the Registry of this Court as estimated compensation for the estate taken in the subject tracts, certain sums of money, and none of these deposits has been disbursed, as set out below in paragraph 12.

7.

The Report of Commissioners filed herein on February 23, 1973, hereby is accepted and adopted as findings of fact in regard to the subject tracts. The amount of just compensation as to the various interests in subject tracts, as fixed by the Commissioners, is set out below in paragraph 12.

8.

This judgment will create a deficiency between the total amount deposited as estimated just compensation for the estate taken in subject tracts and the total amount fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 12.

9.

The defendants named in paragraph 12 as owners of the estate taken in subject tracts are the only defendants asserting any claim to such estate. All other defendants having either disclaimed or defaulted, the named defendants, as of the date of taking, were the owners of the estate condemned herein and, as such, are entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tracts, as they are described in the Complaints filed herein, and such property, to the extent of the estate described in such Complaints, is condemned, and title to such estate is vested in the United States of America,

as of April 2, 1971, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking, the owners of the estate taken in the subject tracts were the defendants whose names appear below in paragraph 12, and the interest owned by each is as therein shown. The right to receive the just compensation awarded by this judgment is vested in the parties so named in paragraph 12.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed February 23, 1973, hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the estate taken in subject tracts, and said award is allocated among the various interests, as shown by the following schedule:

Part I. Leasehold interest in both tracts

(1429M and 1431M) combined:

Owners: Ellis Creek,

subject to mortgage owned by
First National Bank, Coweta, Oklahoma

Award of just compensation
pursuant to Commissioners'

Report ----- \$1,280.00 \$1,280.00

Deposited as estimated compen-
sation for leasehold
interest:

Tract 1429M -- \$270.00

Tract 1431M -- \$810.00

Total --- \$1,080.00

Disbursed to owners ----- None

Balance due to owners ----- \$1,280.00
plus
interest

Deposit deficiency as
to leasehold interest ----- \$200.00

Part II. Communitized royalty interest in
both tracts combined.

Owners:

Julian W. Glass, Jr., Trustee
for Eva Payne Glass, Ernest
Frances Bradfield, and
Julian W. Glass, Jr. ----- 6/20

Lewis Partain and Rhoda
Partain (a/k/a Rhoda Johnston) ----- 7/20

Harry O. Graves and
Edith Graves ----- 7/20

Award of just compensation
pursuant to Commissioners'
Report ----- \$80.00 \$80.00

Deposited as estimated compen-
sation for communitized
royalty interest ----- None

Disbursed to owners ----- None

Balance due to owners ----- \$80.00
Plus
interest

Deposit deficiency as to com-
munitized royalty
interest ----- \$80.00

Part III. Lessor interests (basic mineral
interests) by tract:

A. Tract No. 1429M (lessor interest, Civil Action
No. 71-C-110)

Owner: Julian W. Glass, Jr., Trustee for
Eva Payne Glass,
Ernest Frances Bradfield and
Julian W. Glass, Jr.

Award of just compensation
pursuant to Commission-
ers' Report ----- \$100.00 \$100.00

Deposited as estimated
compensation for lessor
interest ----- \$100.00

Disbursed to owners ----- None

Balance due to owners ----- \$100.00

B. Tract No. 1431M (lessor interest, Civil Action
No. 71-C-111)

Owners:

Harry O. Graves and
Edith Graves ----- 1/2

Lewis Partain and
Rhoda Partain ----- 1/2

Award of just compensation
pursuant to Commission-
ers' Report ----- \$300.00 \$300.00

Deposited as estimated
compensation for lessor
interest ----- 300.00

Disbursed to owners ----- None

Balance due to owners ----- \$300.00

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the sum of the deposit deficiencies shown in paragraph 12 above, in the total amount of \$280.00 together with interest thereon, computed at the rate of 6% per annum from April 2, 1971, to the date of such payment.

For accounting purposes, the Clerk of this Court shall credit this payment to the deposit for Tract No. 1431M, in Civil Action No. 71-C-111, and shall transfer the \$370.00 deposit for Tract No. 1429M (Civil Action No. 71-C-110) to the said deposit for Tract No. 1431M in Civil Action No. 71-C-111.

14.

It Is Further ORDERED, ADJUDGED and DECREED that when the deficiency deposit and transfer ordered by paragraph 13 above have been accomplished, the Clerk of this Court then shall disburse all of the sum on deposit in Civil Action No. 71-C-111 to the owners of the subject property, paying each owner his proportionate share of the awards and the accrued interest according to the property interest owned by each, as shown above in paragraph 12.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,)
)
vs.)
)
20.00 Acres of Land, More)
or Less, Situate in Nowata)
County, State of Oklahoma,)
and Julian W. Glass, Jr.,)
and Unknown Owners,)
)
Defendants.)

CIVIL ACTION NO. 71-C-110 ✓

Tract No. 1429M

E I L E D

MAR 19 1973 *km*

Jack C. Silver, Clerk
U. S. DISTRICT COURT

United States of America,)
)
Plaintiff,)
)
vs.)
)
60.00 Acres of Land, More)
or Less, Situate in Nowata)
County, State of Oklahoma,)
and Harry O. Graves, et al.,)
and Unknown Owners,)
)
Defendants.)

CIVIL ACTION NO. 71-C-111

Tract No. 1431M

ORDER FOR PAYMENT TO COMMISSIONERS

NOW, on this 16th day of March, 1973, it appears to the Court that on December 17, 1971, Eddie King, Vol L. Boswell and Ed Cohen were appointed by the Court as Commissioners in the above entitled and numbered causes, and that pursuant to said appointment these persons did serve as Commissioners and fix the value of the property being taken by eminent domain.

It further appears to this Court that the above named are entitled to compensation for such services rendered, in the following amounts set opposite each of their names, respectively:

EDDIE KING, 1 Day at \$150 per day & 120 Miles @ 10¢ per mile -----	\$162.00
VOL L. BOSWELL, 1 Day at \$150 per day -----	\$150.00
ED COHEN, 1 Day at \$150 per day -----	\$150.00

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the said Eddie King, Vol L. Boswell, and Ed Cohen receive for their services rendered in the above entitled and numbered causes, as Commissioners, the sums and amounts set opposite each of their names hereinabove.



UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

DEER LA VONAS JENTER, Administratrix
of the Estate of LAMAR HUNTER LANE,
deceased,

Plaintiff,

JOHN WILLIAM POTTEY,

Defendant.

No. 17-61-1

FILED

MAY 1 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

he above named comes on for hearing on the petition
of both the plaintiff and defendant for dismissal. The court
finds that all matters have been compromised and settled and that
the parties to this said action is hereby dismissed and stay
order to any further or future action.

Dated March 16, 1973

15/ Fred R. Baggett
JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA.

M-574

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 13 1973

IN THE MATTER OF:

JAMES BRITTON WEEDIN and
MEREDITH M. WEEDIN,

Bankrupts.

Jack C. Silver, Clerk
In Bankruptcy
U.S. DISTRICT COURT

No. 72-B-894

FILED

MAR 12 1973

ORDER OF DETERMINATION

WILLIAM E. RUTLEDGE
REFeree IN BANKRUPTCY
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLA.

Now on this 22nd day of February, 1973 comes on for hearing pursuant to regular setting of the docket the Application for Determination of Dischargeability of Debt filed herein by Atlas Credit Corporation. Atlas Credit Corporation appears by its attorney, Lance Stockwell, and the Bankrupts appear by their attorney, John P. Kerr.

The Court finds that due and proper notice of this hearing has been given to all interested parties in the time and manner required by law.

After review of the said Application and exhibits attached thereto, the pleadings filed in connection therewith and the statement of counsel, the Court finds as follows:

1. The Bankrupts owe Atlas Credit Corporation the sum of Thirty-Two Thousand Seventy-Four and 31/100 Dollars (\$32,074.31) together with interest at ten percent (10%) per annum from February 15, 1967 until paid and an attorney's fee of Four Thousand Eight Hundred Sixty-One and 15/100 Dollars (\$4,861.15), or an aggregate indebtedness of Fifty-Five Thousand Three Hundred Seventy-Eight and 13/100 Dollars (\$55,378.13), including interest, as of November 15, 1972.

2. The aforescribed indebtedness arises from a judgment entered by the United States District Court for the Northern District of Oklahoma in the action styled: The Northwestern Mutual Life Insurance Company vs. W. E. Ranch, Inc., James B. Weedon, Meredith M. Weedon, Atlas Credit Corporation, and The First National Bank and Trust Company of Vinita, Oklahoma, No.

C 64-83. The said judgment was appealed to the Circuit Court of Appeals for the Tenth Circuit and there affirmed.

3. The trial court in its judgment found that James B. Weedon and Meredith M. Weedon had obtained the money from Atlas Credit Corporation by false pretenses and representations and held as a matter of law the judgment therein entered was non-dischargeable in bankruptcy. Both the trial court's finding of fact of fraud and its conclusion of law that the judgment therein rendered was non-dischargeable in bankruptcy were affirmed by the Tenth Circuit.

The Court concludes as a matter of law that the decision of the United States District Court for the Northern District of Oklahoma and the decision of the Circuit Court of Appeals for the Tenth Circuit affirming such judgment are binding on this Court as to the issue of the dischargeability of the aforescribed debt in these proceedings.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the judgment of the United States District Court for the Northern District of Oklahoma in the action styled: The Northwestern Mutual Life Insurance Company vs. W. E. Ranch, Inc., James B. Weedon, Meredith M. Weedon, Atlas Credit Corporation, and The First National Bank and Trust Company of Vinita, Oklahoma, No. C 64-83, in the aggregate amount of \$55,378.13 as of November 15, 1972 and accruing interest from that date at 10% per annum, hereby is determined to be a non-dischargeable debt of James Britton Weedon and Meredith M. Weedon, Bankrupts.

IT IS FURTHER ORDERED that such judgment is specifically excepted from this Court's general order of discharge entered herein on December 29, 1972, and the said bankrupts are not discharged from personal liability for the judgment above described.


IT IS FURTHER ORDERED that the above described judgment is excepted from this Court's general order of discharge declaring judgments previously rendered to be null and void with respect

to the personal liability of the bankrupts; that such judgment is deemed to be valid and enforceable as against the said bankrupts; and, that this Court's injunction in its general order of discharge against instituting or continuing actions for the collection of debts discharged is dissolved as against Atlas Credit Corporation.

Given under my hand this 12th day of March, 1973.


Referee In Bankruptcy

I hereby certify the foregoing to
be a true copy of original on file
in office of Referee in Bankruptcy
for the U. S. District Court for the
Northern District of Oklahoma.

 3-12-73
Clerk, Office of Referee in Bankruptcy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

TANDY INDUSTRIES, INCORPORATED,)
an Oklahoma Corporation,)
)
Plaintiff,)
)
v.)
)
UNITED BROTHERHOOD OF CARPENTERS)
AND JOINERS OF AMERICA, LOCAL 943,)
its agents, servants, employees,)
officers, representatives, and)
members, and John A. Forest,)
Charley H. Brown, and M. C.)
Vanderford, individually and as)
Trustees Ad Litem,)
)
Defendants.)

FILED

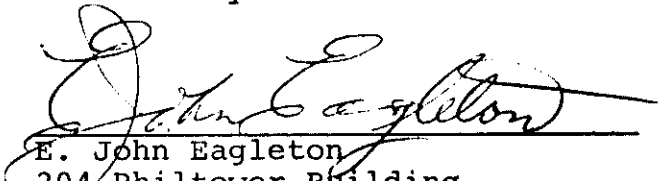
MAR 12 1973 *js*

Jack C. Silver, Clerk
U. S. DISTRICT COURT

Case No. 73-C-67 ✓

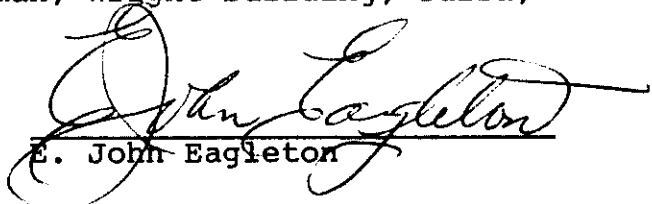
NOTICE OF DISMISSAL

Comes now the plaintiff, Tandy Industries,
Incorporated, pursuant to Rule 41(a)(1) and gives
notice of dismissal in the above styled case.


E. John Eagleton
204 Philtower Building
Tulsa, Oklahoma 74103
Attorney for Plaintiff

CERTIFICATE OF SERVICE

This date, March 9, 1973, a true and correct
copy of the above Notice of Dismissal was sent
through the United States mail with proper postage
thereon to Irvine Ungerman, Wright Building, Tulsa,
Oklahoma.


E. John Eagleton

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
30.00 ACRES OF LAND, MORE OR)
LESS, SITUATE IN NOWATA COUNTY,)
STATE OF OKLAHOMA, AND R. L.)
LILBURN, ET AL., AND UNKNOWN)
OWNERS,)
)
Defendants.)

CIVIL ACTION NO. 71-C-216

Tract No. 1103M

FILED

MAR 12 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

Now, on this 9th day of March, 1973, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on October 12, 1972, and the Court, having examined the file in this action and being advised by counsel for the Plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of this action.

3.

This judgment applies to the entire estate taken in Tract No. 1103M as such estate and tract are described in the Complaint filed in this case.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in the subject tract.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn the subject property for public use. Pursuant thereto, on June 9, 1971, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, which was the date of taking thereof. Simultaneously therewith, Plaintiff deposited \$94.00 in the Registry of this Court as estimated compensation for the taking of said estate, none of which has been disbursed. Therefore, title to such property should be vested in the United States of America as of June 9, 1971.

6.

The Report of Commissioners filed herein on October 12, 1972, is hereby accepted and adopted as findings of fact as to the subject tract, wherein the amount of just compensation as to the estate taken therein is fixed by the Commission at \$150.00.

7.

The Defendants named in paragraph 11 as owners of the estate taken in the subject tract are the only Defendants asserting any interest in such estate; all other Defendants having either disclaimed or defaulted. Said named Defendants were the owners of various interests in the estate condemned herein as of the date of taking and, as such, are entitled to receive the just compensation awarded by this judgment according to their respective interests as set out in paragraph 11 below.

8.

This judgment creates a deficiency between the amount deposited as estimated just compensation for the estate taken in the subject tract and the amount fixed by the Commission and adopted by the Court as just compensation; therefore, a

2.

sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 11.

9.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the United States of America has the right, power and authority to condemn for public use the subject tract, as it is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint, is condemned and title thereto is vested in the United States of America, as of June 9, 1971, which was the date of taking thereof, and all Defendants herein and all other persons are forever barred from asserting any claim to such estate.

10.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that on the date of taking in this case, the owners of the various interests in the estate taken herein in the subject tract were the Defendants whose names appear below in paragraph 11 with the interest owned by each also shown therein and the right to receive the just compensation for such estate is vested in the parties so named.

11.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Report of Commissioners filed herein on October 12, 1972, is hereby confirmed and the \$150.00 therein fixed is adopted as the award of just compensation for the estate taken in the subject tract, which is allocated and should be disbursed according to the following schedule:

TRACT NO. 1103M

AWARD OF JUST COMPENSATION:

Total award for estate taken, Mineral Interest, pursuant to Commissioners' Report	\$150.00
DEPOSIT OF ESTIMATED COMPENSATION	<u>\$ 94.00</u>
DEPOSIT DEFICIENCY	\$ 56.00
	plus 6% interest from June 9, 1971.

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSAL:

Mineral Owners	Interest	Share of Award	Previously Disbursed	Balance Due
R. L. Lilburn and Pat Lilburn and The Commissioners of the Land Office of State of Oklahoma	1/2	\$75.00	None	\$75.00
Harry L. Reichman	1/6	\$25.00	None	\$25.00
La Belle Humphreville	1/6	\$25.00	None	\$25.00
Mae E. Buesch	1/6	\$25.00	None	\$25.00

12.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the subject tract as shown in paragraph 11 in the amount of \$56.00 together with interest on such deficiency at the rate of 6% per annum from June 9, 1971, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for the subject tract in this action.

13.

IT IS FURTHER ORDERED that when the deposit required by paragraph 11 above has been made by the Plaintiff, the Clerk of this Court shall then disburse, from the deposit in this case as follows:

R. L. Lilburn and Pat Lilburn and The Commissioners of the Land Office of State of Oklahoma	\$75.00 plus pro-rata share of interest from 6-9-71.
Harry L. Reichman	\$25.00 plus pro-rata share of interest from 6-9-71.
La Belle Humphreville	\$25.00 plus pro-rata share of interest from 6-9-71.

14.

IT IS FURTHER ORDERED that the share of the award due to Mae E. Buesch shall not be disbursed at the present time

because she is deceased and her heirs are unknown. When said heirs are established the Court will enter an appropriate order of disbursal. In the event that the balance due to such defendant remains on deposit for a period of five years from the date of filing this judgment, then, after that period, the Clerk of this Court, without further order shall disburse the balance on deposit for subject tract to the Treasurer of the United States of America, pursuant to the provisions of Title 28, Section 2042, U.S.C.

/s/ Luther Bohanon

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Jack M. Short

JACK M. SHORT
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 8 1973

BOARD OF COUNTY COMMISSIONERS
OF TULSA COUNTY, OKLAHOMA

Jack C. Silver, Clerk
U. S. DISTRICT COURT

Plaintiff,

-vs-

CERTAIN parcels of land in Tulsa County,
Oklahoma, containing 4.23 Acres more or
less; Lizzie Childers, Allottee Creek Indian
Roll No. 654, now known as Lizzie Childers
Vest and John Vest, her husband; the United
States of America; Secretary of Interior;
State of Oklahoma, ex rel. Oklahoma Tax
Commission; County Treasurer of Tulsa
County, Oklahoma,

Civil Case No.
72-C-99

Defendants.

JOURNAL ENTRY OF JUDGMENT

This cause coming on to be considered on this 8th day
of March 8, 1973, upon oral motion for Judgment upon
agreement and compromise by and between the plaintiff, Board of
County Commissioners of Tulsa County, Oklahoma, and the defendants,
Certain parcels of land in Tulsa County, Oklahoma, containing
4.23 Acres more or less, being present by its attorney, Robert
Santee, Assistant United States Attorney; the defendants Lizzie
Childers, Allottee Creek Indian Roll No. 654, now known as
Lizzie Childers Vest and John Vest, her husband, being present
by their attorney, Robert Santee, Assistant United States Attorney;
the United States of America and the Secretary of Interior, being
present by its attorney, Robert Santee, Assistant United States
Attorney; State of Oklahoma, ex rel., Oklahoma Tax Commission,
having filed a Disclaimer in this cause; and County Treasurer of
Tulsa County, Oklahoma, being present by his attorney, Andrew B.
Allen, Assistant District Attorney; and the Board of County
Commissioners of Tulsa County, Oklahoma, being present by its
attorney, Marvin E. Spears, Assistant District Attorney; and the
Court upon the review of the record and being fully advised
finds:

1. That the filing of the condemnation action and the appointment of appraisers on November 22, 1972, and the oath of the appraisers and their subsequent report on January 16, 1973, are regular in all respects and so stipulated by all parties hereto that their report should be confirmed. That the plaintiff and all the defendants have agreed and stipulated to waive the right of trial by jury.
2. The Court finds that all taxes for the year of 1972 have been paid to the County Treasurer of Tulsa County, Oklahoma.
3. The Court finds that it has jurisdiction of the parties hereto and the subject matter hereof and that the taking of fee simple title in and to the property hereinafter described is necessary to carry out the purposes of the Board of County Commissioners; that the Court appointed three qualified commissioners on November 22, 1972, to inspect the property being taken and to report their findings of the damages to be suffered by the defendants as a result of the taking of fee simple title to said property by the plaintiff; that after taking their oath and entering upon their duties, said commissioners filed their report herein on January 16, 1973, which report was not objected to, and by agreement of the parties said report was agreed to except to the amount of the award which the plaintiff filed a demand for a jury trial and has been withdrawn, the said commissioners determined that the damages to be suffered by the defendants as a result of the taking are in the amount of eleven thousand, eight hundred twenty-five dollars (\$11,825.00); that the report of the commissioners should be ratified and confirmed and the commissioners have hereto been paid their total requested fee of three hundred seventy-five dollars (\$375.00) for the services rendered in the appraisal of this property.
4. The Court finds that on the 7 day of ^{March} ~~February~~, 1973, the plaintiff paid into the office of the District Court Clerk the sum of eleven thousand, eight hundred twenty-five dollars (11,825.00) being the amount of the commissioner's award and on the 8 day of ~~February~~ ^{February}, 1973, the plaintiff paid into the office of the District Court Clerk the sum of three hundred seventy-five dollars (\$375.00) being the amount of the commissioner's fees and that upon said payment of eleven thousand, eight hundred twenty-five dollars (\$11,825.00), fee simple title in and to the land described in the Petition and as described below vested in plaintiff by operation of law, said described land being:

TRACT NO. 1

That part of the S 1/2 SE 1/4 of Section 2, Township 17 North, Range 14 East, in Tulsa County, Oklahoma, described as follows, to-wit:

Beginning at a point in the South boundary of said S 1/2 SE 1/4 a distance of 1,088.5 feet East of the Southwest corner thereof; thence N 89°53' E a distance of 1,555.3 feet to the Southeast corner of said S 1/2 SE 1/4 thence North along the East boundary of said S 1/2 SE 1/4 a distance of 130.0 feet to a point; thence S 62°38' W a distance of 174.7 feet to a point; thence S 89°53' W a distance of 200.0 feet to a point; thence N 73°18' W a distance of 208.8 feet to a point; thence S 83°40' W a distance of 905.5 feet to a point; thence South 24.75 feet to the point of beginning. Containing 3.10 acres, more or less, of new right-of-way, the remaining area in the above description being the existing 24.75 feet of County road right-of-way.

TRACT NO. 1-A (Temporary Channel Change Easement)

That part of the S 1/2 SE 1/4 of Section 2, Township 17 North, Range 14 East, in Tulsa County, Oklahoma, described as follows, to-wit:

Beginning at a point in the East boundary of said S 1/2 SE 1/4 a distance of 180.0 feet North of the Southeast corner thereof; thence North along said East boundary a distance of 175.25 feet; thence S 73°34' W a distance of 266.2 feet to a point thence South 180.0 feet to a point; thence N 89°53' E a distance of 100.0 feet to a point; thence N 62°38' E a distance of 174.7 feet to the point of beginning, containing 1.13 acres.

The sole purpose of this easement is to grant to the County of Tulsa the right to fill the old stream channel on the above described tract of land and to construct a private ramp to serve this property. Grantor herein specifically gives the grantee the right of ingress and egress so long as this easement shall remain in full force and effect.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the County of Tulsa, State of Oklahoma, by this instrument shall terminate upon completion of the project for which it was obtained.

5. The Court finds that John F. Cantrell, Tulsa County Treasurer, is not entitled to participate in the commissioner's award.
6. On the 7 day of ~~February~~ ^{March} 1973, the date of payment of the commissioner's award into the office of the District Court Clerk and from and after said date, the defendants herein and all persons claiming by, through or under them, have no further right, title, interest or estate in and to said land and hereby enjoined and barred from ever ascertaining any claim to said land adverse to plaintiff.
7. The Court finds that the defendants, Lizzie Childers, Allottee Creek Indian Roll No. 654, now known as Lizzie Childers Vest and John Vest, her husband, certain parcels of land in Tulsa County, Oklahoma, containing 4.23 acres more or less, United States of America and the Secretary of Interior of the United States have agreed to accept the total amount

of eleven thousand, eight hundred twenty-five dollars (\$11,825.00), the commissioner's award heretofore deposited in this matter, as full and complete settlement of any and all claims due for damages by the taking of the said property and Judgment is hereby entered in the amount of eleven thousand, eight hundred twenty-five dollars (\$11,825.00) for the defendants, (the same being the amount of the commissioner's award heretofore deposited) and the said amount of eleven thousand, eight hundred twenty-five dollars (\$11,825.00) shall be paid as agreed and in accord with law to the Bureau of Indian Affairs, Muskogee, Oklahoma, to the credit of Lizzie Childers Vest, Allottee Creek Indian Roll No. 654.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the commissioner's report filed herein on the 16th day of January, 1973, is in proper form and is hereby confirmed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that fee simple title in and to the following described land:

TRACT NO. 1

That part of the S 1/2 SE 1/4 of Section 2 Township 17 North Range 14 East, in Tulsa County, Oklahoma, described as follows, to-wit:

Beginning at a point in the South boundary of said S 1/2 SE 1/4 a distance of 1,038.5 feet East of the Southwest corner thereof; thence N 89°53'E a distance of 1,555.3 feet to the Southeast corner of said S 1/2 SE 1/4, thence North along the East boundary of said S 1/2 SE 1/4 a distance of 180.0 feet to a point; thence S 62°38' W a distance of 174.7 feet to a point; thence S 89°53' W a distance of 200.0 feet to a point; thence N 73°18' W a distance of 208.8 feet to a point; thence S 83°40' W a distance of 905.5 feet to a point; thence South 24.75 feet to the point of beginning.

Containing 3.10 acres, more or less, of new right-of-way, the remaining area in the above description being the existing 24.75 feet of County road right-of-way.

TRACT NO. 1-A (Temporary Channel Change Easement)

That part of the S 1/2 SE 1/4 of Section 2, Township 17 North, Range 14 East, in Tulsa County, Oklahoma, described as follows, to-wit:

Beginning at a point in the East boundary of said S 1/2 SE 1/4 a distance of 180.0 feet North of the Southeast corner thereof; thence North along said East boundary a distance of 175.25 feet; thence S 73°34' W a distance of 266.2 feet to a point; thence South 180.0 feet to a point; thence N 89°53' E a distance of 100.0 feet to a point; thence N 62°38' E a distance of 174.7 feet to the point of beginning, containing 1.13 acres.

The sole purpose of this easement is to grant to the County of Tulsa the right to fill the old stream channel


on the above described tract of land and to construct a private ramp to serve this property. Grantor herein specifically gives the grantee the right of ingress and egress so long as this easement shall remain in full force and effect.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the County of Tulsa, State of Oklahoma, by this instrument shall terminate upon completion of the project for which it was obtained.


is vested in the Board of County Commissioners of Tulsa County, Oklahoma, on the 7 day of ~~February~~ ^{March}, 1973, the date of payment of the commissioner's award into the office of the District Court Clerk and that from and after said date, all the defendants herein and all persons claiming by, through or under them, have no further right, title, interest or estate in and to the said land and are hereby enjoined and barred from ever ascertaining any claim to the said land adverse to plaintiff.

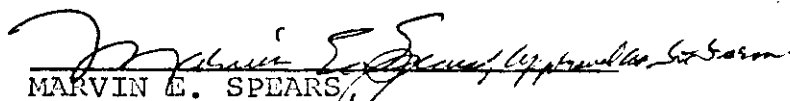
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the District Court Clerk be, and he is hereby directed to issue his warrant payable to the Bureau of Indian Affairs, Muskogee, Oklahoma, to the credit of Lizzie Childers Vest, Allottee Creek Indian Roll No. 654 in the amount of eleven thousand, eight hundred twenty-five dollars (\$11,825.00).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that none of the other defendants herein are entitled to participate in the commissioner's award.


ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

APPROVED:


ROBERT SANTEE, Attorney for certain parcels of land in Tulsa County, Oklahoma, Lizzie Childers Vest and John Vest, the United States of America, and the Secretary of Interior.


MARVIN E. SPEARS
Attorney for Plaintiff.

RICHARD PAIGE WHITE,

vs.

NO. 72-C-450

STATE OF OKLAHOMA,

Respondent.

FILED
MAR 6 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT


It does not appear that the petitioner has exhausted the remedies available in the courts of the State of Oklahoma, or that there is either an absence of available state corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the petitioner. Title 28 U.S.C. § 2254.

IT IS, THEREFORE, ORDERED:

2. That a copy of this Order be mailed by the Clerk of this Court to the petitioner with a copy of the Initial Report of

the United States Magistrate and a copy of Rule 29 of the Rules
of this Court.

Dated this 6th day of March, 1973.


CHIEF JUDGE, UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

PATRICK A. FLEMING,

Petitioner,

vs.

PARK J. ANDERSON, WARDEN,

Respondent.

ORDER

72-C-414

FILED

MAR 6 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

THE COURT, having examined the petition for writ of habeas corpus filed herein by the Clerk, together with the motion for leave to proceed in forma pauperis and said motion having been granted by Order of this Court made and entered on November 10, 1972, and having examined the Initial Report of the United States Magistrate concerning the same and being fully advised in the premises, FINDS:

It does not appear that the applicant has exhausted the remedies available in the courts of the State of Oklahoma, or that there is either an absence of available state corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the petitioner. U.S.C. Title 28, § 2254. The petitioner has chosen to ignore the state post-conviction remedy provided by 22 O.S.A. § 1080 et seq. The institution of a post-conviction action in the state sentencing court is a prerequisite to the granting of habeas relief in this court. Brown vs. Crouse, 395 F.2d 755 (C.A. 10 1968) and Omo vs. Crouse, 395 F.2d 757 (C.A. 10 1968).

IT IS, THEREFORE, ORDERED:

1. The petition for writ of habeas corpus is dismissed.
2. That a copy of this Order be mailed by the Clerk of

this Court to the petitioner together with a copy of the Initial Report of the United States Magistrate.

Dated this 6th day of ^{March}~~February~~, 1973.

William F. Barrett
CHIEF JUDGE, UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

MICHAEL SIDNEY LINEKER,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

72-C-349

FILED

MAR 6 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

THE COURT, having examined the files and records of this proceeding, together with the Initial Report of the United States Magistrate concerning the same and being fully advised in the premises, FINDS:

1. That the sentence imposed by the Court was within the statutory limits provided by 18 U.S.C. § 751(a);
2. This Court had jurisdiction of the offense and the accused;
3. The files and records conclusively show that petitioner is not entitled to relief and no factual issues are raised. Therefore, there is no necessity for this Court to hold an evidentiary hearing.

IT IS, THEREFORE, ORDERED:

1. Petitioners' motions pursuant to Title 28 U.S.C. § 2255 are denied.
2. That a copy of this Order be mailed by the Clerk of this Court to the petitioner together with a copy of the Initial Report of the United States Magistrate.

Dated this 6th day of March, 1973.

Cecil E. Barron
CHIEF JUDGE, UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

CARL EUGENE CLARK,

Petitioner,

-vs-

UNITED STATES OF AMERICA,

Respondent.

Case No. 72-C-306 Civil

FILED

MAR 6 - 1973

Jack C. Silver, Clerk

ORDER U. S. DISTRICT COURT

The above-named Petitioner claims in this 18 U.S.C. §2255 Motion that his two pleas of guilty in criminal cases No. 72-CR-63 and No. 72-CR-98 before this Court were coerced by the Assistant United States Attorney handling the same. Plaintiff's other claims are only bald conclusions or so patently without legal merit as to warrant no consideration by the Court. Martinez v. United States, 344 F. 2d 325 (Tenth Cir. 1965). The Court has appointed counsel for the Petitioner at Government expense, furnished a transcript of all proceedings before this Court in both cases at Government expense and has ordered the evidence to be presented on the alleged coerced pleas issues by Interrogatories and Cross-Interrogatories as approved by Reed v. United States, 438 F. 2d 1154 (Tenth Cir. 1971).

Petitioner claims that his plea of guilty in 72-CR-63 was coerced by the Assistant United States Attorney by the threat of the filing of another charge against him for a similar offense and that his plea of guilty in 72-CR-98 was coerced by the same Assistant United States Attorney by the threat of filing a criminal charge against his wife.

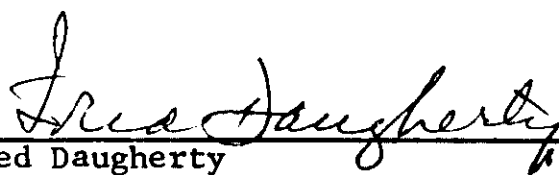
All Interrogatories desired by the parties have been filed herein and both parties have notified the Court that the matter is ready for decision.

No competent evidence has been presented on the coerced pleas issues except the testimony of the Petitioner and the Assistant United States Attorney. None of the other witnesses interrogated submitted anything of significant value. Petitioner asserts the claimed threats in his testimony. No one else has testified that he heard them made. The Assistant United States Attorney involved denies making any such threats. When each of the pleas of guilty were made by the Petitioner to the Court, the Court asked the Petitioner in each case if the same was being made because of any promises, force or threats used against him by anybody to which the Petitioner in each case replied in the negative.

The Court finds and concludes from the evidence herein that Petitioner has failed to meet his burden to establish by a preponderance of the evidence that his two pleas of guilty under attack were brought about by the alleged threats or coercion. Specifically, the Court finds and accepts the testimony of the Assistant United States Attorney as being true and further finds the testimony of the Petitioner to be false and untrue.

Petitioner's action should therefore be dismissed.

It is so ordered this 6 day of March, 1973.


Fred Daugherty
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

CHARLES R. McCARTER,
Plaintiff,
vs.
COX MOTOR COMPANY,
Defendant.

No. 72-C-246

FILED

MAR 6 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

J U D G M E N T

The Court, having this day filed in this cause its Findings of Fact and Conclusions of Law and based thereon enters this Judgment.

IT IS ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff shall take nothing by reason of its action filed herein and that the defendant shall have and receive judgment against the plaintiff and its costs expended herein as provided by law.

Dated this 5th day of March, 1973.

Luther Bohannon
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
RICHARD L. STEWART, et al.,)
)
Defendants.)

Civil Action No. 71-C-329 ✓

FILED

MAR 5 1973 *jj*

Jack C. Silver, Clerk
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 2nd day of March, 1973, the plaintiff appearing by Robert P. Santee, Assistant United States Attorney, and the defendants, Richard L. Stewart, Linda M. Stewart, and Universal CIT Credit Company, appearing not.

The Court being fully advised and having examined the file herein finds that Richard L. Stewart and Linda M. Stewart were served by publication as appears from the Proof of Publication filed herein on February 8, 1973; that Universal CIT Credit Company was served with Summons and Complaint on September 13, 1971, and

It appearing that the said defendants have failed to answer herein and that default has been entered by the Clerk of this Court.

The Court further finds that this is a suit based upon a mortgage note and foreclosure on a real property mortgage securing said mortgage note and that the following described real property is located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Twenty-Two (22), Block Nine (9), ROLLING
HILLS THIRD ADDITION in Tulsa County, State of
Oklahoma, according to the recorded plat thereof.

THAT the defendants, Richard L. Stewart and Linda M. Stewart, did, on April 30, 1970, execute and deliver to Lomas and Nettleton West, Inc., their mortgage and mortgage note in the sum of \$15,000.00

with 8 1/2 per cent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that by instrument dated May 18, 1970, Lomas and Nettleton West, Inc., assigned said mortgage to Federal National Mortgage Association, and by instrument dated December 22, 1970, Federal National Mortgage Association assigned said mortgage to the Secretary of Housing and Urban Development, Washington, D. C.

The Court further finds that the defendants, Richard L. Stewart and Linda M. Stewart, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the above-named defendants are now indebted to the plaintiff in the sum of \$15,967.95 as unpaid principal, with interest thereon at the rate of 8 1/2 per cent interest per annum from November 1, 1970, until paid, plus the cost of this action accrued and accruing., and any additional sums advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendants, Richard L. Stewart and Linda M. Stewart, in rem, for the sum of \$15,967.95 with interest thereon at the rate of 8 1/2 per cent per annum from November 1, 1970, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

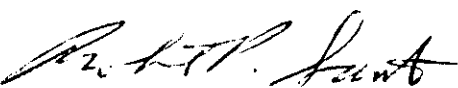
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said defendants to satisfy plaintiff's money judgment

herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisement the real property and apply the proceeds thereof in satisfaction of plaintiff's judgment. The residue, if any, to be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.


United States District Judge

APPROVED.


ROBERT P. SANTEE
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

LARRY CHARLES CLONCE,)
)
 Petitioner,)
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)

72-C-355

FILED

MAR 5 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

THE COURT, having examined the files and records of this proceeding, together with the files and records in the case of United States of America vs. Larry Charles Clonce, Case No. 13685 of this Court, and the Initial Report of the United States Magistrate concerning the same, and being fully advised in the premises, FINDS:

1. The judgment and sentence in Case No. 13685 made and entered as a result of conviction of violation of Title 28 U.S.C. § 2113 did not violate the constitutional rights of the petitioner and the statute concerned is determined not to be a vague and ambiguous statute.
2. The trial, conviction and sentence did not violate petitioner's constitutional right guaranteeing to him equal protection of the law.
3. The trial, conviction and sentence were not the result of a merger of offenses and the sentence was not in excess of that authorized by law.
4. The files and records conclusively show that the petitioner is not entitled to relief, and therefore, no evidentiary hearing is required.


IT IS, THEREFORE, ORDERED:

1. The petitioner's motion pursuant to § 2255, Title 28, U.S.C. is denied;

2. That a copy of this Order be mailed by the Clerk of this Court to the petitioner together with a copy of the Initial Report of the United States Magistrate;

3. That the Clerk of this Court furnish to respondent a copy of this Order together with a copy of the Initial Report of the United States Magistrate by mailing the same to the United States Attorney for the Northern District of Oklahoma.

Dated this 5th day of ^{March}~~February~~, 1973.


CHIEF JUDGE, UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

LARRY CHARLES CLONCE,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

72-C-355

FILED

MAR 5 1973

Jack C. Silver, Clerk

U.S. DISTRICT COURT

INITIAL REPORT OF UNITED STATES MAGISTRATE

The undersigned, having examined the motion pursuant to § 2255 of Title 28, United States Code, presented to the Clerk of this Court by the above named petitioner, together with motion for leave to proceed in forma pauperis and the required affidavit, finds:

I.

NATURE OF PROCEEDINGS

1. This is a proceeding for relief pursuant to the provisions of 28 U.S.C.A. § 2255, brought by a person in federal custody at the United States Penitentiary, Leavenworth, Kansas.
2. The court which imposed the sentence on the petitioner was the United States District Court for the Northern District of Oklahoma, and therefore, this Court has jurisdiction to entertain this motion (28 U.S.C.A. § 2255).
3. The affidavit in support of the motion for leave to proceed in forma pauperis is properly subscribed and sworn to by the petitioner and is sufficient in form. The Court entered its Order permitting petitioner to proceed in forma pauperis on September 29, 1972 and said Order was filed with the Clerk of this Court on October 2, 1972.

II.

ALLEGED GROUNDS FOR RELIEF

The petitioner alleges:

1. That his conviction, judgment and sentence were in violation of his constitutional right to procedural due process in that Title 28 U.S.C. § 2113, is a vague and ambiguous statute;
2. That petitioner's trial, conviction and sentence were violative of his constitutional guarantee to equal protection of the law; and
3. That there was a merger of offenses and that petitioner was denied equal protection of the law in that said merger was not recognized.

III.

FINDINGS OF FACT

Petitioner was found guilty by a jury in June of 1961 of burglarizing the First State Bank of Ketchum, Oklahoma, and was sentenced to 10 years imprisonment. In September 1965 this Court granted petitioner leave to prosecute an appeal. The Tenth Circuit Court of Appeals affirmed petitioner's conviction. Clonce vs. United States, 356 F.2d 912 (1966), Cert. Den. 384 U.S. 992 (1966).

The respondent has filed herein its response and petitioner has filed his traverse to Government's response.

IV.

CONCLUSIONS OF LAW

As to petitioner's first ground for relief the Court's attention is called to the case of Smith vs. U.S., 356 F.2d 868 (C.A. 8, 1966) Cert. Den. 385 U.S. 820.

In this case the Court in dealing with the constitutionality of Title 18 U.S.C. § 2113(a) makes the following finding:

"Appellant's contention, i.e., that § 2113(a) is unconstitutionally vague, uncertain and contradictory, is not supported by any authority and we find it utterly without merit. The strong presumptive validity that attaches to an Act of Congress has lead the Supreme Court to hold that statutes are not automatically invalidated as vague simply because difficulty is encountered in determining whether certain marginal offenses fall within their language. United States vs. National Dairy Product Corp., 372 U.S. 29, 83 S. Ct. 594, 9 L. Ed. 2d 561 (1963); Dean Rubber Mfg. Co. vs. United States, 356 F.2d 161 (8th Cir. 1965). We have examined this statute in light of the claimed infirmities and in light of all pertinent principles enunciated in National Dairy, Supra, and are satisfied that it is immune from the attack of constitutional vagueness."

As to petitioner's second ground for relief, the file reflects that the petitioner relies upon his interpretation of Prince vs. United States, 352 U.S. 322, 77 S. Ct. 403, 1 L. Ed. 2d 370 in support for said ground for relief.

Unlike the situation in Prince, Supra, petitioner was not prosecuted, convicted and given consecutive sentences for the offense of entering and for the completed crime; thus there has been no pyramiding of sentences which the Supreme Court struck down in the Prince case, Supra. I have concluded that this contention of petitioner is without merit and is not supported by any authority. Purdom vs. U.S. (10th Cir. 1957), 249 F.2d 822, Cert. Den. 355 U.S. 913, 78 S. Ct. 341, 2 L. Ed. 2d 273.

As to petitioner's third ground for relief, that as a result of merger of offenses the sentence imposed in this instance is in excess of that authorized by law is without merit. The punishment meted out to petitioner was concededly within the range specified by the applicable statute.

In Kitts vs. U. S., 243 F.2d 883 (8th Cir. 1957), the defendant was convicted under the Bank Robbery Act on two counts of

a three count indictment. The first count charged entry of the bank with intent to commit a felony affecting such bank, to-wit, a larceny of the bank exceeding \$100 in value; and the second count charged larceny of property of the bank exceeding \$100 in value. The defendant was sentenced to a term of imprisonment for 20 years on Count 1 and 10 years on Count 2. The Eighth Circuit, after reviewing the decision in the Prince case, Supra, held that the 20 year sentence was valid and directed that the 10 year sentence be vacated.

The Tenth Circuit in the Purdom case, Supra, dealt with the precise question here presented. The Court considered the merger theory, carefully analyzed the opinion in Price and reached the conclusion that where, as here, the offender enters a bank with intent to commit larceny therein, and accomplishes his intent by stealing funds, that he may be prosecuted and punished for the crime of entering for the unlawful purpose, thus holding that under such circumstances the offense of entering does not merge into the larceny offense.

The petitioner states that the grounds for relief contained in his motion pursuant to 28 U.S.C.A. 2255 were not previously asserted but goes on to state that the reason for not having previously asserted the grounds is "recent developments". I have concluded that such allegation is without merit.

V.

RECOMMENDATION

Petitioner's motion pursuant to Title 28 U.S.C. § 2255 should be denied.

Dated this 13th day of February, 1973.


UNITED STATES MAGISTRATE

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CALVIN G. McCALL, JR., et al.,

Defendants.

Civil Action No. 72-C-271

FILED

MAR 2 - 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 13 day
of March, 1973, the plaintiff appearing by Robert P. Santee,
Assistant United States Attorney, and the defendants, Calvin G.
McCall, Jr. a/k/a Calvin George McCall, Nancy Jane McCall, Terry
Joe Hopkins a/k/a Terry J. Hopkins, Betty Jo Hopkins, and C. Amber
Hopkins, appearing not.

The Court being fully advised and having examined
the file herein finds that after diligent effort the whereabouts
and residence of the defendants, Terry Joe Hopkins, Betty Jo.
Hopkins and C. Amber Hopkins, cannot be ascertained; that the
Complaint in this action was served on these defendants by publica-
tion as appears from the Proof of Publication filed herein on
February 8, 1973; that personal service of summons and complaint
was made on the defendants, Calvin G. McCall, Jr., and Nancy Jane
McCall on October 20, 1972, and October 17, 1972, respectively,
as appears from the Marshal's Returns of Service herein, and

It appearing that the said defendants have failed
to answer herein and that default has been entered by
the Clerk of this Court.

The Court further finds that this is a suit
based upon a mortgage note and foreclosure on a real property
mortgage securing said mortgage note and that the following
described real property is located in Tulsa County, Oklahoma,
within the Northern Judicial District of Oklahoma:

Lot Eight (8), Block One (1), YAHOLA HEIGHTS
ADDITION to the City of Tulsa, Tulsa County,
State of Oklahoma, according to the recorded
plat thereof.

THAT the defendants, Calvin G. McCall, Jr., and Nancy Jane McCall, did, on July 1, 1964, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$9,750.00 with 5 1/2 per cent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendant, Terry Joe Hopkins a/k/a Terry Jo Hopkins, has or claims some right, title, or interest in and to the premises herein being foreclosed by reason of a General Warranty Deed filed June 18, 1970, in Book 3928, page 1820 of the Tulsa County Mortgage Records.

The Court further finds that the defendants, Calvin G. McCall, Jr., a/k/a Calvin George McCall, Nancy Jane McCall, and Terry Joe Hopkins a/k/a Terry Jo Hopkins, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the above-named defendants are now indebted to the plaintiff in the sum of \$8,789.14 as unpaid principal, with interest thereon at the rate of 5 1/2 per cent interest per annum from September 1, 1971, until paid, plus the cost of this action accrued and accruing, plus any additional sums advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting or sums for the preservation of subject property.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendants, Nancy Jane/
McCall,
Calvin G. McCall, Jr., a/k/a Calvin George McCall, and defendant,
Terry Joe Hopkins a/k/a Terry Jo Hopkins, in rem, for the sum
of \$8,789.14 with interest thereon at the rate of 5 1/2 per

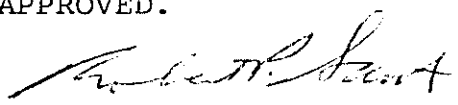
cent per annum from September 1, 1971, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said defendants to satisfy plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisement the real property and apply the proceeds thereof in satisfaction of plaintiff's judgment. The residue, if any, to be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.


United States District Judge

APPROVED.


ROBERT P. SANTEE
Assistant United States Attorney

FILED

MAR 2 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ALJ:KB
2-22-73

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

TENNESSEE JED'S FRANCHISE CORPORATION,
a corporation,

Plaintiff,

vs.

BARWYNN, INC., a corporation,

Defendant.

No. 72-C-384

ORDER

NOW, on this 1st day of March, 1973, upon
application of plaintiff and defendant herein,

IT IS ORDERED, ADJUDGED AND DECREED BY THIS COURT
that plaintiff's and defendant's Joint Motion to Dismiss this cause of
action without prejudice should be granted.

151 Allen E. Barrow
Judge

LAW OFFICES
UNGERMAN,
GRABEL &
UNGERMAN

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,)
)
vs.)
)
10.00 Acres of Land, More)
or Less, Situate in Nowata)
County, State of Oklahoma,)
and James A. Arnold, et al.,)
and Unknown Owners,)
)
Defendants.)

CIVIL ACTION NO. 71-C-280

Tract No. 1202M

FILED

MAR 2 - 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 1st day of March, 1973, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment fixing just compensation in this matter. After having examined the files in this action and being advised by counsel, the Court finds:

2.

This judgment applies to the entire estate condemned in Tract No. 1202M, as such estate and tract are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and the subject matter of this action.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on July 29, 1971, the United States of America filed its Declaration of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated

compensation for the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 11.

7.

A pre-trial hearing in this case was set by the Court for February 6, 1973. Due notice of such hearing was given to all of the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma.

The defendants, James A. Arnold and Glenn H. Chappell, Trustees of the Estate of H. W. Keed, deceased; and the defendant Julian W. Glass, Jr., Trustee for Eva Payne Glass, Ernest Frances Bradfield, and Julian W. Glass, Jr., appeared by their attorney, William E. Maddux. No other defendants appeared either in person or by attorney.

8.

The Court has been advised by counsel for Plaintiff that in the event of a trial, Plaintiff's evidence would show that \$40.00 was the value of the estate taken in this case. This sum is based upon an appraisal made by J. M. Wanenmacher; and, the owners who appeared at the pre-trial are willing to accept such sum as compensation. Therefore, such sum should be adopted as the award of just compensation in this case.

9.

The defendants named in paragraph 11 as owners of the estate taken in the subject tract are the only defendants asserting any interest in such property. All other defendants having either disclaimed or defaulted, the named defendants are the owners of such property, as of the date of taking and, as such, are entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tract, as such tract is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of July 29, 1971, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the subject property were the defendants whose names appear below in the schedule and the

right to receive the just compensation awarded by this judgment is vested in the parties so named. The sum of \$40.00 hereby is adopted as the award of just compensation for the estate herein taken in subject tract, and the award is allocated among the owners, as set out in the schedule which follows, to-wit:

TRACT NO. 1202M

Owners	Interest	Dollar Share of Award
James A. Arnold and Glenn H. Chappell, --- Trustees of the Estate of H. W. Reed, deceased	1/2	\$20.00
Julian W. Glass, Jr., Trustee for Eva ---- Payne Glass, Ernest Frances Bradfield and Julian W. Glass, Jr.	1/8	5.00
Mary Harrington Hart -----	1/12	3.33
Esther Harrington Putnam -----	1/12	3.33
William Kettering Harrington -----	1/12	3.34
M. L. Hagan -----	1/32	1.25
Orie Price and Hazel Price -----	1/32	1.25
George B. Dowell, Administrator of the Estate of B. G. Dowell, deceased -----	2/32	2.50
Award of just compensation, pursuant to Court's findings -----	\$40.00	\$40.00
Deposited as estimated compensation -----	<u>40.00</u>	
Disbursed to owners -----		<u>None</u>
Balance due to owners _____		\$40.00

12.

It Is Further ORDERED that the Clerk of this Court now shall disburse the deposit for the subject tract as follows:

To - Each of the owners listed in paragraph 11 above,
the sum shown following his or her name.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,)
)
vs.)
)
10.00 Acres of Land, More or)
Less, Situate in Nowata)
County, State of Oklahoma,)
and Clara I. Daugherty, et al.,)
and Unknown Owners,)
)
Defendants.)

CIVIL ACTION NO. 71-C-308

Tract No. 1263M

FILED

MAR 1 - 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 1st day of March, 1973, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment fixing just compensation in this matter. After having examined the files in this action and being advised by counsel, the Court finds:

2.

This judgment applies to the entire estate condemned in Tract No. 1263M, as such estate and tract are described in the Complaint filed in this action.

3.

The Court has jurisdiction of the parties and the subject matter of this action.

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause, who are interested in subject property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on August 24, 1971, the United States of America filed its Declaration of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated

compensation for the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 11.

7.

A pre-trial hearing in this case was set by the Court for February 8, 1973. Due notice of such hearing was given to all of the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. C. D. Hicks, Trustee for Dallas Daugherty (successor to Clara I. Daugherty, deceased), appeared by his attorney, W. E. Maddux. No other defendants appeared either in person or by attorney.

8.

The Court has been advised by counsel for Plaintiff that in the event of a trial, Plaintiff's evidence would show that \$13.00 was the value of the estate taken in this case. This sum is based upon an appraisal made by J. M. Wanenmacher; and, the owner who appeared at the pre-trial is willing to accept such sum as compensation. Therefore, such sum should be adopted as the award of just compensation in this case.

9.

The defendants named in paragraph 11 as owners of the estate taken in the subject tract are the only defendants asserting any interest in such property. All other defendants having either disclaimed or defaulted, the named defendants are the owners of such property, as of the date of taking and, as such, are entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tract, as such tract is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of August 24, 1971, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the subject property were the defendants whose names appear in the schedule below and the right to receive the just compensation awarded by this judgment is vested in the parties so named. The sum of \$13.00 hereby is adopted as the award of just compensation for the estate herein

taken in subject tract, as set out in the schedule which follows,
to-wit:

TRACT NO. 1263M

Owners:

C. D. Hicks, Trustee for Dallas Daugherty -----	1/2
(Successor to Clara I. Daugherty, deceased)	
John Merle Smith -----	1/2
Award of just compensation -----	\$13.00
	\$13.00
Deposited as estimated compensation -----	<u>\$13.00</u>
Disbursed to owners -----	<u>None</u>
Balance due to owners -----	\$13.00

12.

It Is Further ORDERED that the Clerk of this Court now
shall disburse the deposit for the subject tract as follows:

To - C. D. Hicks, Trustee for Dallas Daugherty ---	\$6.50
John Merle Smith -----	\$6.50

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

IEU:s1b
2/28/73

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

A. B. PARTRIDGE,

Plaintiff,

vs.

JAMES V. JOYCE and JOYCE WESTERN
CORPORATION, a foreign corporation,

Defendants.

FILED
NO. 71-8-30 IN OPEN COURT

MAR 1 1973

JACK C. SILVER, CLERK
U. S. DISTRICT COURT

ORDER DISMISSING ACTION WITH PREJUDICE

NOW, on this 1st day of March, 1973, there having been presented by counsel for the Plaintiff and Defendants to this Court a joint motion to dismiss this action with prejudice, and the Court having considered the same and being well and sufficiently advised in the premises finds that said relief should be granted.

IT IS THEREFORE ORDERED BY THIS COURT that the above styled and numbered matter be, and the same is hereby dismissed with prejudice at the cost of the Defendants herein.

United States District Judge

APPROVED:

BROWN & PERRAULT

By Robert G. Brown
Attorneys for Plaintiff

UNGERMAN, GRABEL & UNGERMAN

By James V. Joyce
Attorneys for Defendants

LAW OFFICES
UNGERMAN,
GRABEL &
UNGERMAN

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA